

# Greenberg Traurig

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**From:**

Dorothy L. Chambers for Tel: 714.708.6500  
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Reg. No. 38,022

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To:	Fax No:	Company:	Phone No.
Examiner Jason M. Sims Group Art Unit 1631	571.273.8300 571.273.0595	Mail Stop AMENDMENT United States Patent and Trademark Office	

File No.: 58027-014000

Re: U.S. Patent Application Serial No. 10/683,535

Date: June 8, 2006

No. Including Cover Sheet  
Pages: 7

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**Notes:****Attachments:**

- 1) Transmittal Form (PTO/SB 21); and
- 2) Response to Office Action mailed 05/08/2006.

<p align="center"><b>CERTIFICATE UNDER 37 CFR 1.6(d) and 1.8</b></p> <p>I hereby certify that this correspondence and identified attachments are being transmitted via facsimile only to the United States Patent and Trademark Office, to MAIL STOP: AF, Facsimile No. (571) 273-8300 and (571) 273-0595 on June 8, 2006.</p> <p align="right"><i>Dorothy L. Chambers</i> Name: Dorothy L. Chambers</p>
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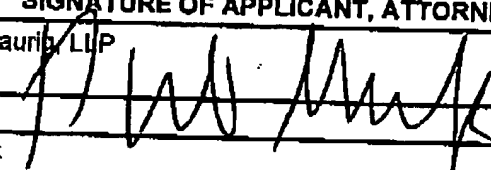
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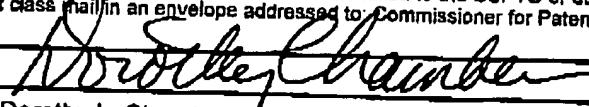
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/683,535	
	Filing Date	October 10, 2003	
	First Named Inventor	Judy Dering	
	Art Unit	1631	
	Examiner Name	Jason M. Sims	
Total Number of Pages in This Submission	7	Attorney Docket Number	58027.014000

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Greenberg Traurig LLP		
Signature			
Printed name	Peter J. Gluck		
Date	June 8, 2006	Reg. No.	38,022

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	
Typed or printed name	Dorothy L. Chambers
Date	June 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Judy Dering Examiner: Jason M. Sims  
Serial No. 10/683,535 Group Art Unit: 1631  
Filed: October 10, 2003 Docket No. 58027-014000  
Title: CONSTRAINTS-BASED ANALYSIS OF GENE EXPRESSION DATA  
Customer No.: 33717

## CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner Sims, Art Unit 1631, Facsimile No. (571) 273-8300 on June 8, 2006.

  
Name: Dorothy L. ChamberRESPONSE TO RESTRICTION REQUIREMENT MAILED 05/08/2006

MAIL STOP: AMENDMENT  
Hon. Commissioner of Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed May 8, 2006, kindly enter the following remarks and amendments which are submitted to advance prosecution solely:

Serial No. 10/683,535

PATENT  
Docket No. 58027-014000

In response to the Office Action mailed May 8, 2006, the following response is hereby offered for the Examiner's consideration.

**Election / Restrictions Requirements**

Applicants respectfully select the Examiner's group 1, namely Claims 1-11 drawn to what the Examiner classifies as "a method for identifying a genomic target of interest, classified in class 702, subclass 20," with the species defined as expression data from a mammal. It is respectfully proposed that this choice is responsive to the instant paper, however, in order to be fully responsive, applicants' undersigned representative offers the other and further remarks for the purpose of being compliant with the Examiner's ostensive position on 37 C.F.R. 1.141 which is not agreed with, but nonetheless responded to.

The remaining claims (12-14) are withdrawn, without prejudice and maintaining all divisional rights. Likewise, claims 2 and 4-7 and 9 have been withdrawn as set forth below.

**One of Two Election of Species/One-2 Further election of Species/Two of Two etc...**

Applicant respectfully selects claims 1, 3, 8 and 10 - 11, believed to be expression data from a mammal, and comprising at least one tyrosine receptor set.

Remarks begin on page 7. It is respectfully requested that this case is in a condition for allowance and such relief is hereby earnestly solicited.

A complete listing of the claims follows.